

REMARKS

Claims 1-4 are now pending in the application. Claims 5 and 6 stand withdrawn.

In the Office Action, claim 4 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claim 4 to make it definite.

Claims 1-4 were rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (JP 0926800A) in view of Maezawa et al. (JP2000-336696).

Yamamoto et al. describes a hydraulic excavator having a conventional configuration of the inner and outer races, and of the pinion. As shown for example in Figs. 4 and 7-9, there is no description or suggestion in Yamamoto et al. of a pin fit-in hole portion that is disposed at the place of meshing engagement between the pinion and the internal gear, with the pin fit-in hole being located on a line extending through a center of rotation of the outer race and a center of rotation of the pinion.

In contrast, the invention recited in claim 1 is a swing mechanism for a construction machine having an inner race, an outer race, a swing frame and a pinion inserted through a pinion insertion hole formed in said swing frame and maintained in meshing engagement with said internal gear, such that a pin fit-in hole portion through which said pin fit-in hole is formed is arranged on said swing frame at a location of a place of meshing engagement between said pinion

and said internal gear such that said pin fit-in hole portion extends toward said pinion insertion hole, and said pin fit-in hole is located on a line that extends through a center of rotation of said outer race and a center of rotation of said pinion.

Neither the pin fit-in hole portion at a location of a place of meshing engagement between the pinion and the internal gear, nor the pin fit-in hole located on a line that extends through a center of rotation of the outer race and a center of rotation of the pinion are described in the cited references. Accordingly, the invention recited in claim 1 is not anticipated nor rendered obvious by Yamamoto et al. The remaining cited references fail to provide the elements missing from Yamamoto et al.

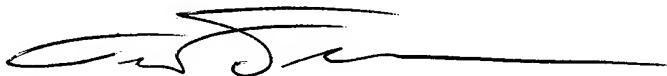
In view of the foregoing, claim 1 is respectfully submitted to be allowable. Claims 2-4 depend from allowable claims, and at least for that reason are also submitted to be allowable.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080306.56872US).

Respectfully submitted,

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